

RECEIPT NUMBER

534032

8.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

DETROIT BRANCH OF THE NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF COLORED PEOPLE,
LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER
LAW,

Plaintiffs,

JUDGE : Rosen, Gerald E.
DECK : S. Division Civil Deck
DATE : 11/08/2005 @ 16:43:44
CASE NUMBER : 2:05CV74296
CMP DETROIT BRANCH VS MI
REPUBLICAN STATE (LE)

v.

MICHIGAN REPUBLICAN STATE COMMITTEE, a.k.a.
MICHIGAN REPUBLICAN PARTY, REPUBLICAN
NATIONAL COMMITTEE,

Defendants.

Melvin Butch Hollowell (P-37834)
John E. Johnson, Jr. (P-29742)
Harold D. Pope (P-34882)
Attorneys for Plaintiffs
2990 East Grand Boulevard
Detroit, MI 48202
313-871-2087 (O)
313-871-0765 (fax)

Margaret Van Houten (P-51899)
Attorney for Defendants
7457 Franklin Road, Suite 250
Bloomfield Hills, MI 48301
248-406-5100 (O)
248-406-5111 (fax)

MAGISTRATE JUDGE DONALD A. SCHEER

COMPLAINT

NOW COMES, Plaintiffs, DETROIT BRANCH NAACP, and the LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW, by and through their attorneys, Melvin Butch Hollowell, John E. Johnson, Jr, and Harold Pope, assert as follows:

Parties and Stakeholders

1. Plaintiff Detroit Branch NAACP is an organization operating in Michigan. Its Constitution of 1909, Article I, Section 3, provides that a central purpose of the organization is to improve the political, educational, social and economic status of minority groups, to eliminate racial prejudice, and to take lawful action to sdecure its elimination.
2. Plaintiff Lawyers Committee for Civil Rights is a national organization which represents minority voter rights in litigation.
3. Defendant Michigan Republican Committee is a Michigan based political party.
4. Defendant Republican National committee is an organization based in
5. Washington, DC, whose operatives are in Michigan at Detroit polling locations.

Jurisdiction and Venue

6. Jurisdiction is vested in this court pursuant to 42 USC Sec 1971 (b), 42 USC Sec
7. 1973 (i)(b), and 18 USC Sec 241.
8. Venue is proper in the Eastern District of Michigan as the violations of law
9. occurred within the city of Detroit.

Factual Background

10. Beginning in the early hours of the general election, and occurring throughout the day, representatives of Defendants, presenting themselves as election challengers challengers, under MCL 168.730, have harassed and intimidated voters, all of whom are African American, at polling locations throughout the city. Affidavits attesting to this illegal conduct is set forth in the Affidavits attached hereto.

11. The Defendants has no basis upon which intimidate the voters in question.

12. This harassment occurred even though this election is non-partisan and therefore the Defendants have no interest in this election as is required under the Michigan Election Law.

13. This intimidation has caused some voters to leave the polling locations thereby denying their right to vote.

COUNT I
VIOLATION OF THE CHALLENGER STATUTE

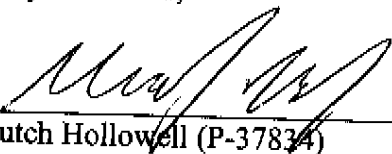
14. MCL Sec 168.730 requires that there be an "interest" in the election before a political party can enter Michigan polling locations. The general election in Detroit is non partisan and therefore Defendants have no interest and no business being challengers under the statute.

COUNT II
VOTER INTIMIDATION

15. The Voting Rights Act of 1965 and the Civil Rights Act of 1957, along with 18 USC Sec 594, 18 USC Sec 597, and 18 USC Sec 241 make it a crime to intimidate voters.

WHEREFORE, plaintiffs respectfully request declaratory and injunctive relief, barring Defendants from serving as challengers at the polls in the city of Detroit, during the remainder of the November 8, 2005, and grant such other relief as may be warranted including attorneys fees and costs of suit.

Respectfully submitted,



Melvin Butch Hollowell (P-37834)
Attorneys for Plaintiffs
2990 East Grand Boulevard
Detroit, MI 48202

November 8, 2005

AFFIDAVIT OF LUSHELLE WILLIAMS

1. I am the chairperson of the election site, for District 14 Precinct 40, and District 22, Precinct 01. The polling site which I supervise is located at Dexter Avenue Baptist Church.
2. There are three Republican Challengers in the building. First, a woman voted absentee. The voter asked the challengers why they are in the building, but the challengers would not answer why they were there. When the voter finished voting, then the challengers said they wanted to challenge the vote. I said that they could not challenge the vote after the voter had already voted. The challengers called their supervisor and he came over the voter and said: I am challenging your vote. The voter said: if you want to challenge my vote, you must challenge it in the beginning not after I voted. I said: that it true. Then the supervisor continued to argue with her, saying: I can challenge your vote if I want to. The voter said: they should not have any business jumping down my throat. The supervisor continued to harass and argue with the voter, and I stepped in and said: you are harassing the voter and it has to stop. The supervisor then stopped.
3. This incident was a major disruption in the polling location. There were about 20 or more voters in the polling place when this supervisor was harassing the voter.
4. These Republican Challengers are asked by other voters why they are there, and ask for their information, but they will not respond. They refuse to give their information to the voters, but get personal information about the voters (like their address) by peering over the shoulders of the election workers.
5. These Challengers are challenging a number of people. However, these Challengers did not have any list of names that they were going off of when they challenge people, but are simply challenging people that they believe are problem voters, without any prior information of their inability to vote, that I noticed. For instance, we could not find the address for one voter, because she had moved, and they wanted to Challenge her vote. The address on the election voter eligibility book was different than her license. I was assisting the woman, and told her to find her voter's registration card, because the voter told me that she had received something in the mail but did not have the card on her. The Republican Challengers then protested, and demanded that I fill out a provisional ballot for her. I started to have her fill out a provisional ballot, but the woman left.
6. These Republican Challengers also stand directly behind the table and look over the election workers. They stand within a foot or two of the election workers. These challengers also talk with the voters, harassing them.

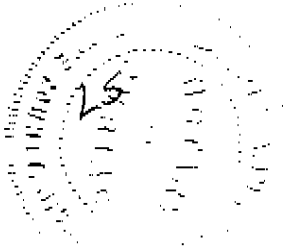
Further affiant sayeth not.

Lushelle Williams 11/8/05
Lushelle Williams dated

Notary Public:

Annalisa Moore

My Commission expires 06/06/2011



05-74296

(Rev. 11/04)

CIVIL COVER SHEET County in which this action arose Wayne

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) **PLAINTIFFS** NAACP Lawyers Committee For Civil Rights Under Law

(b) County of Residence of First Listed Plaintiff Wayne
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Melvin Butch Howell
8700 E. Grand Blvd., Detroit 48202

DEFENDANTS

Michigan Republican Party
Republican National Committee

County of Residence of First Listed Defendant Ingham
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Margaret Van Houten

GERALD ROSEN**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | |
|---|---|---|---|
| Citizen of This State | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERLY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	LABOR <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

1965 Voting Rts Act; 1957 Civil Rights Act

Brief description of cause:

Voter Intimidation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/8/05

SIGNATURE OF ATTORNEY OF RECORD

Melvin Butch Howell

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☒ Yes
☐ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☒ Yes
☐ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
